

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., November 9, 2015

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

Correction Filed:

Vicky Kerkvliet, Sioux Falls, was appointed on August 7, 2015, to the **Independent Living Council**, to replace Shelly Schock, effective immediately and shall continue until June 30, ~~2017~~ 2016.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Administrative Rules:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Office of Attorney General: (November 2, 2015) intends to amend a rule to provide a juvenile cited violation ticket for use by law enforcement pursuant to SDCL § 26-7A-126. The general authority for this rule, as cited by the office, is SDCL §§ 23-1A-2 and 23-1A-2.1.

A public hearing will be held at the George S. Mickelson Criminal Justice Center Commission Conference Room, 1302 East Highway 14, Pierre, South Dakota, on December 11, 2015, at 10:00 a.m. CDT. A copy of the proposed rule may be obtained without charge from and written comments sent to the Office of Attorney General, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments and materials must be received no later than December 21, 2015, to be considered. Persons who have

special needs for which the office can make arrangements are asked to call (605) 773-3215 at least 48 hours before the hearing.

Department of Health: Board of Medical and Osteopathic Examiners: (November 2, 2015) intends to adopt rules to provide criteria for training a first responder in the use of opioid antagonists, provide the requirements for physicians who issue standing orders authorizing first responders to possess opioid antagonists, and provide the requirements for protocols and procedures related to opioid antagonists. The general authority for these rules, as cited by the board, is SDCL § 34-20A-102.

A public hearing will be held at the First Dakota National Bank Building, 101 N. Main Ave., Suite 301, Room 215, Sioux Falls, South Dakota, on December 3, 2015, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 101 N. Main Ave., Suite 301, Sioux Falls, South Dakota, 57104 or by email to SDBMOE@state.sd.us. The text of the proposed rules is available on the Boards website at www.sdbmoe.gov, at <https://rules.sd.gov>, or at <http://doh.sd.gov/news/>. Written comments must be received by December 2, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Board can make arrangements are asked to call (605) 367-7781 at least 48 hours before the hearing.

Department of Environment and Natural Resources: Water Management Board: (November 6, 2015) intends to amend a Fences

Crossing Navigable Streams rule to allow fences to be constructed without a gate across Firesteel Creek in Davison County. The general authority for this rule, as cited by the department, is SDCL § 43-17-39.

A public hearing will be held at the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on December 9, 2015, at 10:00 a.m. CT. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Department of Environment and Natural Resources, Water Rights Program, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3182. Copies of the proposed rule and supporting documentation can also be obtained by visiting the department's website at <http://denr.sd.gov/public> or at <https://rules.sd.gov/default.aspx>. Comments can also be provided online at the department's

website. Written comments must be received by December 8, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-5559 at least 48 hours before the public hearing.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

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| 11-16-2015 | Department of Education: Board of Education Amend Certification rules to provide additional and consistent options for secondary career and technical education (CTE) teachers to become certified to teach CTE courses; amend Accreditation and School Improvement rules to clean up language and eliminate the requirement that a student taking a high school course from a qualified teacher before grade nine pass a state-approved assessment before credit can be awarded, which will allow a school district to determine if the student has met the same criteria required for credit to be awarded to high school students in the district and require the acceptance of credit for summer courses taken from an accredited school system documentation and notice of any decision that the credits do not meet graduation requirements; and amend Public School Accountability System rules to update certain components of the accountability system to provide a more in-depth measure of public school performance; 42 SDR 62, October 19, 2015. |
| 11-20-2015 | Department of Environment and Natural Resources Amend Fluoridation of Water Supplies rules to reduce the required fluoride level and cleanup outdated language; and amend Bottled Water Quality rules to adopt pertinent US FDA rules for bottled water quality; 42 SDR 62, October 19, 2015. |
| 11-20-2015 | Department of Labor and Regulation: Division of Unemployment Insurance Amend rules to allow domestic employers the option of paying state unemployment contributions (UC) annually instead of paying quarterly; 42 SDR 62, October 19, 2015. |
| 11-20-2015 | Department of Social Services: Board of Examiners for Counselors and Marriage and Family Therapists Amend rules to repeal unnecessary rules, implement a fee to process license verifications and duplicate renewal cards, increase license and renewal license fees for marriage and |

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| | family therapists, align language to be consistent with statutory language, clarify supervisor and exam requirements, and update the Code of Ethics to the most recent version; 42 SDR 65, October 26, 2015. |
| 11-20-2015 | Department of Social Services: Division of Child Protection Services Amend Regulatory Administration rules to implement the reasonable and prudent parent standard to support normalcy for children in alternative care; 42 SDR 66, October 26, 2015. |
| 11-23-2015 | Department of Health: Division of Health Systems Development and Regulation Amend rules to allow additional participants in the Rural Healthcare Facility Recruitment Assistance Program, update references regarding treatment protocols for the State Trauma Care System, and streamline the trauma transport plan process; 42 SDR 69, November 2, 2015. |
| 11-23-2015 | Department of Labor and Regulation: South Dakota Athletic Commission Amend rules to increase the number of days required between approval of an event and the date of the event, clarify existing rules regarding the requirements of promoters to provide certain equipment at an event, increase the minimum fee for an approved event, clarify existing rules regarding accepted medical documentation for contestants, clarify the requirements for meeting certain promoter requirements in advance of an event, increase the number of days allowed for final reports and fees to be submitted by the promoter, require a security plan to be provided by a promoter prior to an event, increase the number of rounds a referee may officiate in one contest, increase the time period allowed for weigh-ins prior to an event, and clarify responsibilities of the Commission's designee; 42 SDR 57, October 13, 2015. |
| 11-23-2015 | Department of Revenue: Division of Property and Special Taxes Amend rules to update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property; 42 SDR 69, November 2, 2015. |
| 12-1-2015 | Department of Revenue: South Dakota Lottery Commission Amend a rule to allow the Powerball game to institute a jackpot management plan; 42 SDR 69, November 2, 2015. |
| 12-3-2015 | Department of Health: Board of Medical and Osteopathic Examiners Adopt rules to provide criteria for training a first responder in the use of opioid antagonists, provide the requirements for physicians who issue standing orders authorizing first responders to possess opioid antagonists, and provide the requirements for protocols and procedures related to opioid antagonists; 42 SDR 73, November 9, 2015. |
| 12-9-2015 | Department of Environment and Natural Resources: Water Management Board Amend Surface Water Quality rules by deleting the fecal coliform criteria from immersion recreation and limited contact recreation waters (this change will leave intact the United States Environmental Protection Agency's (USEPA) recommended <i>Escherichia coli</i> criteria) and add the USEPA's nonylphenol aquatic life criteria; 42 SDR 65, October 26, 2015. |
| 12-9-2015 | Department of Environment and Natural Resources: Water Management Board Amend a Fences Crossing Navigable Streams rule to allow fences to be constructed without a gate across Firesteel Creek in Davison County; 42 SDR 73, November 9, 2016. |
| 12-11-2015 | Office of Attorney General Amend a rule to provide a juvenile cited violation ticket for use by law enforcement pursuant to SDCL § 26-7A-126; 42 SDR 73, November 9, 2015. |

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held on Monday, December 14, 2015, in Room 414, Fourth Floor of the State Capitol.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.